

## REMARKS

The present amendment is in response to the Office Action, dated October 16, 2002, where the Examiner has rejected claims 2-19. By the present amendment and response, the specification has been amended to overcome the Examiner's objections. Accordingly, claims 2-19 are pending in the application. Reconsideration and allowance of pending claims 2-19 in view of the following remarks are respectfully requested.

### **A. Objection to Specification**

The Examiner has objected to the specification due to informalities. Specifically, the Examiner states that, "docket numbers should be replaced with the Application Numbers of the referenced Applications." To overcome the objection, applicants have amended the specification without adding new matter to recite the application numbers of the referenced applications. Accordingly, applicants respectfully submit that the Examiner's objection to the specification has been traversed.

### **B. Rejection of Claims 2-19 under 35 U.S.C. § 102(e)**

The Examiner has rejected claims 2-19 under 35 USC §102(e) as being anticipated by **Ogle, Jr. et al.** (USPN 6,306,777) ("Ogle '777"). For the reasons discussed below, applicants respectfully submit that the present invention, as defined by independent claims 2 and 11 and dependent claims 3-10 and 12-19, is patentably distinguishable over **Ogle '777**.

Pending independent claims 2 and 11 are directed to a process for treating an ONO dielectric film (i.e. an ONO stack) of a floating gate memory cell. As recited in independent claim 2, the process includes, “annealing the ONO stack.” Thus, the process forms a second SiO<sub>2</sub> layer to optimize the characteristics of the ONO stack and maintain reliability of the ONO stack. The process as recited in claim 2 advantageously reduces the processing time for forming the second SiO<sub>2</sub> layer, reduces the thickness of the second SiO<sub>2</sub> layer and minimizes change to the silicon nitride layer, which improves overall reliability of the ONO stack.

With regard to independent claim 2, **Ogle '777** fails to disclose, teach or suggest the above recited limitations specified by claim 2. **Ogle '777** discloses a process for treating a bottom dielectric layer of an interpoly dielectric stack, for example an ONO interpoly dielectric stack (Figure 3 and column 3, lines 53-62). Thus, **Ogle '777** teaches a process that treats a bottom dielectric layer of an ONO stack, then forms an ONO stack that includes the treated bottom dielectric layer. Therefore, the process of **Ogle '777** does not reduce the processing time for forming a second SiO<sub>2</sub> layer, reduce the thickness of the second SiO<sub>2</sub> layer or minimize changes to the silicon nitride layer.

**Ogle '777** cannot result in the present invention as recited in independent claim 2 because **Ogle '777** fails to disclose or remotely suggest a process that includes, “annealing the ONO stack.” Applicants believe claim 2 further particularly points out and distinctly claims these limitations absent from cited references of record. Accordingly, applicants respectfully submit that rejection of claim 2 has been traversed,

and that independent claim 2 and its corresponding dependent claims 3-10 should now be allowed.

The Examiner has rejected independent claim 11 for reasons similar to claim 2. Applicants respectfully submit that independent claim 11 recites limitations similar to those recited in claim 2. In particular, claim 11 recites, "annealing the ONO stack." Thus, applicants respectfully submit that independent claim 11 and its corresponding dependent claims 12-19 should be allowed for at least the reasons stated in conjunction with claim 2.

For the foregoing reasons, applicants respectfully submit that the present invention, as defined by independent claims 2 and 11, and claims depending therefrom, is not suggested, disclosed, or taught by **Ogle '777**. As such, independent claims 2 and 11 and dependent claims 3-10 and 12-19 are patentably distinguishable over **Ogle '777**.

**C. Provisional Rejection of Claims 2 and 11 under the Judicially Created Doctrine of Obviousness-Type Double Patenting**

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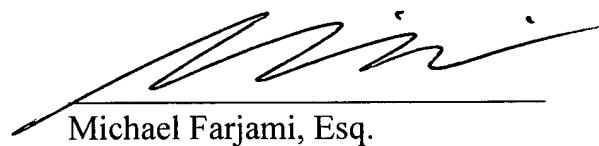
The Examiner has provisionally rejected claims 2 and 11 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2 and 6 of co-pending Application No. 09/927,133. Similarly, the Examiner has provisionally rejected claims 2 and 11 as being unpatentable over claims 1, 2 and 7 of co-pending Application No. 09/927,988.

Along with the present response, applicants have submitted terminal disclaimers to overcome the Examiner's rejection under the judicially created doctrine of double patenting with respect to claims 1, 2 and 6 of co-pending Application No. 09/927,133 and with respect to claims 1, 2 and 7 of co-pending Application No. 09/927,988. Applicants respectfully submit that the enclosed terminal disclaimers overcome the Examiner's obviousness-type double patenting rejections.

**D. Conclusion**

Based on the foregoing reasons, the present invention, as defined by independent claims 2 and 11, and claims depending therefrom, is patentably distinguishable over the art cited by the Examiner. Thus, claims 2-19 pending in the present application are patentably distinguishable over the art cited by the Examiner. As such, and for all the foregoing reasons, an early allowance of claims 2-19 pending in the present application is respectfully requested.

Respectfully Submitted,  
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Signature Date

**Version with Markings to Show Changes Made**

**In the Specification:**

**Marked up version of amended paragraph replacing the paragraph beginning at line 15 on page 1 and ending at line 17 on page 1:**

1. United States patent application entitled, "Process for Treating ONO Dielectric Film of a Floating Gate Memory Cell", [<atty. Docket no.: M-7524 US>] US Patent Application No. 09/927,133 naming Robert B. Ogle, Jr. and Arvind Halliyal as inventors and filed on [even date herewith] August 10, 2001; and

**Marked up version of amended paragraph replacing the paragraph beginning at line 18 on page 1 and ending at line 20 on page 1:**

2. United States patent application entitled, "Process for Treating ONO Dielectric Film of a Floating Gate Memory Cell", [<atty. Docket no.: M-7526 US>] US Patent Application No. 09/927,988 naming Robert B. Ogle, Jr. and Arvind Halliyal as inventors and filed on [even date herewith] August 10, 2001.